

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

OP.No. 36463 of 2000(N)

PETITIONER:

1. K.NARAYANAN, S/O.APPU NAIR, AGED 42 YEARS,
PART-TIME POUND KEEPER, PULLAR-PERIYA GRAMA
PANCHAYAT, HARIPURAM, KASARAGODE.
2. M.KUNHIRAMAN, FULL TIME SWEEPER,
NILESHWAR GRAMA PANCHAYAT, NILESHWAR P.O.,
KASARAGODE.
3. KAMALAKSHA.K., PART TIME SCAVENGER, MADHUR
GRAMA PANCHAYAT, MADHUR P.O.
4. K.RAMANI, PART TIME LIBRARIAN, KARADUKKA
GRAMA PANCHAYAT, MULLERIA P.O.
5. K.V.NARAYANAN, P.T.R.S., TRIKARIPUR GRAMA
PANCHAYAT, TRIKARIPUR P.O.
6. V.V.RAGHAVAN, FULL TIME SWEEPER, NILESHWAR
GRAMA PANCHAYAT, NILESHWAR, KASARAGODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. THE DIRECTOR OF PANCHAYAT, TRIVANDRUM.
2. THE DISTRICT PANCHAYAT OFFICER, KASARAGODE.
3. THE DEPUTY DIRECTOR OF PANCHAYATS, KASARAGODE.
4. GOVT. OF KEALA, REP. BY CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.
5. THE SECRETARY, PULLUR-PERIYA GRAMA PANCHAYAT,
HARIPURAM P.O., KASARAGODE.

6. THE SECRETARY, NILESHWAR GRAMA PANCHAYAT,
NILESHWAR P.O., KASARAGODE.
7. THE SECRETARY, MADHUR GRAMA PANCHAYAT,
MADHUR P.O., KASARAGODE.
8. THE SECRETARY, KARADUKKA GRAMA PANCHAYAT,
MULLERIA P.O., KASARAGODE.
9. THE SECRETARY, TRIKARIPUR GRAMA PANCHAYAT,
TRIKARIPUR P.O.

BY GOVERNMENT PLEADER SMT.T.B.RAMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 25/05/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.62065 OF 2000 IN OP NO.36463 OF 2000 L

//DISMISSED//

25.5.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER DT.30.6.99.

EXT.P2: TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DT.20.3.90.

EXT.P3: TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER DT.3.2.1994.

EXT.P4: TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE 4TH PETITIONER DATED 19.5.90.

EXT.P5: TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE 5TH PETITIONER DATED 3.2.94.

EXT.P6: TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE 6TH PETITIONER DATED 29.9.86.

EXT.P7: TRUE COPY OF THE G.O., DATED 16.6.94 AS G.O.(P) NO.151/94/LAD.

EXT.P8: TRUE COPY OF THE SRO, IN KERALA GAZETTE G.O(P)44/98 LAD DT.24.2.98.

EXT.P9: TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DT.24.2.2000.

EXT.P10: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT THE SECRETARY, GRAMA PANCHAYAT AND BLOCK PANCHAYAT DT.10.2.98.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.36463 OF 2000

Dated this the 25th day of May, 2007

JUDGMENT

The petitioners are members of the Kerala Panchayat Common Service. They are contingent employees. All of them entered service before 16.6.1994, on which day, the Government notified Ext.P7 Kerala Panchayat Subordinate Service Rules, 1994, with effect from 1.1.1990, which among other things, provided an opportunity for contingent employees to be appointed as Lower Division Clerks, if they were in service as on 1.1.1990, had obtained the qualification of S.S.L.C. and had four years service. The Government, thereafter, made and published Ext.P8 amendment to Ext.P7 Rules on 24.2.1998, deeming them to have come into force with effect from 1.1.1990. Among other things, the amendment made the aforesaid benefit available to those who entered in service as on 16.6.1994, ie, the date of issuance of Ext.P7 Rules, and have passed S.S.L.C. or equivalent qualification within a period of four years service. This means that those employees who would have joined as

contingent employees before the issuance of Ext.P7 Special Rules and had obtained S.S.L.C. qualification within a period of four years service would be appointed as L.D. Clerks. Petitioners who entered service before the issuance of Ext.P7 Rules contend that they are entitled to be appointed as L.D. Clerks, even if they pass S.S.L.C. beyond four years of entry into service. While the Government issued Ext.P8, necessary care has been taken to ensure that those who were in service on the date of publication of Ext.P8 and who, going by Ext.P7 which had come into force with effect from 1.1.1990, would not lose the benefit of the first proviso appended to the Rule regulating the recruitment of L.D. Clerks as per Ext.P7. This is the effect of the amendment in question.

In the result, the writ petition is dismissed. No costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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25th MAY, 2007.

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